

REMARKS

This Amendment is filed in response to the final Office Action dated April 1, 2009 for the above-captioned U.S. Patent Application.

Claims 1-19 are pending in the subject application.

In the outstanding Final Office Action, the Abstract is objected to because of the use of "means." Applicant respectfully traverses this objection, but has amended the Abstract, as suggested by the Examiner. Accordingly, reconsideration and withdrawal of this objection is requested.

Claims 1-17 are objected to because of the informalities noted at page 2 of the Action. Applicant respectfully traverses this objection, but has clarified claims 2 and 5-10, as suggested by the Examiner. Accordingly, reconsideration and withdrawal of this objection also is requested.

Claim 18 is then rejected under 35 USC Section 112, first paragraph, as not complying with the written description requirement. Claim 18 also is rejected under 35 USC Section 101 as being directed to non-statutory subject matter. Applicant respectfully traverses these rejections, but has clarified claim 18, as also suggested by the Examiner. Accordingly, reconsider and withdrawal of these rejections is believed to be warranted.

Regarding the rejections based upon art, claims 1-13 and 17-19 are rejected under 35 USC Section 103(a) as being unpatentable over Newton (US Patent Publication 2002/0118177 A1, hereinafter "Newton") in view of Ruttenberg (US Patent Publication 2008/0048979 A1, hereinafter "Ruttenberg"). Dependent claims 14-16 are rejected under 35 USC Section 103(a) as being unpatentable over Newton in view of Ruttenberg, and further in view of Sindler (US Patent 4,015,232, hereinafter "Sindler"). Lastly, claim 15 is rejected under 35 USC Section 103(a) as being unpatentable over Newton in view of Ruttenberg, and further in view of Sindler and Marcus (US Patent 6,124,647, hereinafter "Marcus").

The foregoing rejections are respectfully disagreed with, and are traversed below.

Newton discloses a touch screen. The screen is based on a system of light emitters (156) and detectors (159) that indicate when a light beam from an emitter has been interrupted by, for example, a finger above the depicted touch screen.

Applicant respectfully submits that Newton's emitters (156) are not "information-indicating light units" as recited in embodiments of Applicant's claimed invention. Newton's emitters do not convey any "information" at all. In contrast, they emit only light energy, which can be either visible or invisible (column 4, lines 44-46). It is noteworthy that Newton's emitters (156) need to be in an "on" state for the depicted touch surface to function. Therefore, turning them on and off, for indicating some information to the user, would disturb the basic functionality of the touch screen of Newton. It would be contrary to the teachings of Newton.

Ruttenberg teaches a system for communication between two parties by projecting patterns already shown, at least in part, on a display of a device (called a first side) on external surfaces (called a second side) (paragraphs [0008] and [0041]). Thus, the projected information outside of the display also is shown on the display. Accordingly, Ruttenberg does not disclose or suggest that information concerning display objects, which are not shown on the display at the same time would be shown by the depicted illumination units.

It is respectfully asserted that even if a person of ordinary skill in the art would combine the teachings of Newton and Ruttenberg, the combination would not disclose or suggest Applicant's embodiments where, for example, display objects outside the current view of a touch display (e.g., not shown on the touch display) can be indicated to the user of the device.

Moreover, Applicant's independent claims 1, 9, 18 and 19 are amended, respectively, to recite in part (emphasis added):

"such that the information-indicating light units are arranged to indicate information concerning a display unit application object located only outside a current view of the display unit" (claim 1);

"such that information concerning a display unit application object located only outside the current view of the display unit is indicated by the information-indicating light units" (claim 9);

"certain control commands in order to control a defined light unit group according to the display unit application, the instantaneous view of the display unit and a display unit application object located only outside the current view of the display unit" (claim 18); and

"in order to control a given light unit group for giving information about the display unit application object located only outside the current view of the display unit" (claim 19).

Support for the foregoing exists in Applicant's specification at, for example, page 3, lines 32-34.

Applicant's independent claims including the above recited features are not disclosed in, nor suggested by the cited references. Nor is there any reason to combine and modify their teachings in an attempt to arrive at the subject claims.

Accordingly, for at least the foregoing reasons, Applicant's independent claims are believed to be patentable in view of the cited art. Accordingly, all remaining dependent claims also are patentable at least in view of their dependency from an allowable independent claim. For completion, it also is noted that the addition of secondary references Sindler and Marcus, which were cited by the Examiner in the rejection of dependent claims 14-16, does not cure the shortcomings of Newton and Ruttenberg and does not disclose or suggest Applicant's claimed subject matter.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. No new issues requiring further search and/or consideration are raised by this Amendment. Accordingly, the Examiner is respectfully requested to enter and consider this Amendment, and withdraw the outstanding objections and rejections. A Notice of Allowance is therefore earnestly solicited.

Should the Examiner have any questions, a call to the undersigned would be appreciated.

Respectfully submitted:

Christine Wilkes Beninati May 29, 2009
Christine Wilkes Beninati Date

Reg. No.: 37,967
Customer No.: 29683
HARRINGTON & SMITH, PC
4 Research Drive
Shelton, CT 06484-6212
Telephone: (203) 925-9400
Facsimile: (203) 944-0245

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5.29.2009

Date

James R. Beninati
Name of Person Making Deposit